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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,087	12/12/2007	Diego Caviglia	4015-5832	9924

24112   7590   09/15/2011
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EXAMINER
HARPER, KEVIN C

ART UNIT	PAPER NUMBER
2462	

MAIL DATE	DELIVERY MODE
09/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/598,087	CAVIGLIA ET AL.
	Examiner	Art Unit	
	Kevin C. Harper	2462	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/16/11*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-37 and 39-58* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-37 39-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

Response to Arguments

Applicant's arguments filed June 16, 2011 have been fully considered but they are not persuasive.

1.   Applicant argued Monga does not provide a polling mechanism. However, in the broadest reasonable interpretation, a poll is simply a message being sent. The claims require no specific interpretation of polling (such as a poll to invoke a response, or a poll used to grant permission to transmit). In Monga a LSA is transmitted within the network and therefore meets the definition of polling as a message which is transmitted. Furthermore, a missing LSA indicates a link is down (Monga, col. 12, line 65 through col. 13, line 2), similar to the heartbeat signal and poll as mentioned in the specification (page 17, lines 11-12).

2.   Applicant argued Monga does not provide a client-side alarm in the ASTN network. However, the broadest reasonable interpretation of alarm monitoring is a detection of a failure (Monga, col. 18, lines 22-29; note: the ASON device is a client-side device which attached to a user). The claims require no specific interpretation of alarm monitoring (such as monitoring for an alarm signal transmitted between components where the alarm based on detecting a failure).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24-37 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monga et al. (US 7,321,932) in view of Shabtay et al. (US 7,345,991).

3.   Regarding claims 24-30 and 58, Monga discloses a protection system for first and second communication networks (fig. 1, items 110, 130) interconnected by an ASTN (col. 4, lines 13-15) having an control plane (fig. 3), the first and second networks having primary terminal nodes (items 110, 130; col. 4, lines 47-51). The ASTN control plane implements signaling and polling mechanisms to switch traffic between the nodes (col. 12, line 61 through col. 13, line 10; note link state advertisements are polls) based on alarm monitoring on a client side of the ASTN (col. 12, lines 62-65; col. 18, lines 22-29).

4.   However, Monga does not disclose secondary edge nodes and switching to the secondary edge nodes. Shabtay discloses secondary edge nodes (fig. 1, edge switch C and G; col. 13, lines 49-51). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have secondary nodes to for a connection in the invention of Monga in order to provide backup nodes when the primary nodes fail (Shabtay, col. 13, lines 49-51).

5.   Regarding claims 31-34, in Monga, a failed, missed or delayed advertisement as standardized in link state routing is a failed synchronization attempt (col. 12, line 64).

6.   Regarding claims 35-37, the end node can determine routing and faults (fig. 4, item 410; col. 7, lines 1-3; col. 6, lines 21-30).

      Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monga in view of Shabtay as applied above, and further in view of Meandzjia (US 2002/0085571).

7.   Monga does not disclose TMN ITU-T M. 3010. Meandzija discloses TMN ITU-T M. 3010 (para. 32). Therefore, it would have been obvious to one skilled in the art to use TMN ITU-T M. 3010 in the invention of Monga to provide a specific standardized network control as desired.

Claims 40-57 rejected under 35 U.S.C. 103(a) as being unpatentable over Monga in view

of Shabtay as applied above above, and further in view of Licata et al. (US 2003/0206515).

8.   Regarding claims 40-57, Monga does not disclose a MS-SPRing or SNCP network.

Licata discloses a standardized MP-SPRing and standardized SNCP network (fig. 1; paras. 3 and

7). Therefore, it would have been obvious to one skilled in the art to have an MS-SPRing

network in the invention of Monga to provide a specific standardized network as desired.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The

examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

Primary Examiner, Art Unit 2462